

REMARKS

Claims 49-51 are all the claims pending in the application.

Summary of the Office Action

Claims 49 and 51 are allowed.

Claim 50 is rejected under 35 U.S.C. § 101.

Analysis of Claim Rejections

The Examiner rejects claim 50 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Specifically, the Examiner alleges that the claimed “computer readable medium” having encoded thereon program codes, as recited in claim 50, is non-statutory since paragraph 39 of the published application discloses that “the program is stored in computer readable media... [and the] media [includes] magnetic recording media, optical recording media, **and the like**” (emphasis added). The Examiner asserts that “[the] term ‘and the like’, since is not clearly defined may include any non-statutory category and is directed to non-statutory subject matter” (Office Action, page 2).

Applicant amends paragraph 39 of the published application, as shown in the Appendix, to remove the disclosure of “and the like”. Additionally, Applicant amends paragraph 56 of the published application analogously with respect to paragraph 39. Applicant respectfully submits that claim 50 is patentable under 35 U.S.C. § 101. The Examiner agreed in a telephone conversation with Applicant’s representative on January 12, 2009, that such amendment would overcome the rejection under 35 U.S.C. § 101.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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